

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANTHONY GLENN WALKER,

Petitioner,

v.

**WILLIAM STEPHENS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

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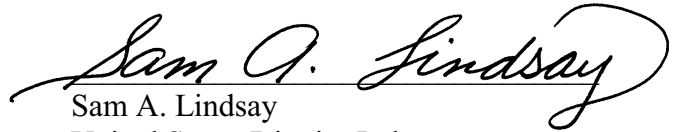
Civil Action No. **3:11-CV-1055-L**

ORDER

On August 14, 2015, the United States Court of Appeals for the Fifth Circuit remanded this action to the district court to make necessary findings with respect to Petitioner's "motion for finding of excusable neglect or good cause for filing the notices of appeal late," and directed the court to return the case, after making necessary findings, to the Fifth Circuit for further proceedings or dismissal, as may be appropriate. *See* Order (Doc. 47). Pursuant to 28 U.S.C. § 636(b), the court referred to United States Magistrate Judge David L. Horan for findings and recommendation Petitioner's "motion for a finding of excusable neglect or good cause for filing the notices of appeal late." *See id.* On September 28, 2015, Magistrate Judge David L. Horan entered Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") recommending that the court grant Petitioner an extension of time to appeal because good cause exists for the untimely notices of appeal. Specifically, the magistrate judge found that through no fault of his own, Petitioner's original notice of appeal was not docketed, and that Petitioner has, therefore, shown good cause for filing his notices of appeal late. Report 5. No objections to the Report were filed.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Petitioner's "motion for finding of excusable neglect or good cause for filing the notices of appeal late"; **extends** Petitioner's deadline to appeal under Fed. R. App. 4(b)(5) to June 1, 2015, and June 19, 2015, such that his June 1, 2015 and June 19, 2015 notices of appeal are **deemed timely**; and **directs** the clerk of the court to return this case to the Fifth Circuit for further proceedings.

It is so ordered this 19th day of November, 2015.


Sam A. Lindsay
United States District Judge